



Committee on Utilities & Telecommunications

**Tuesday, February 21, 2006
9:00 am – 12:00 pm
404 HOB**

Action Packet

COMMITTEE MEETING REPORT
Utilities & Telecommunications Committee

2/21/2006 9:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Kenneth Littlefield (Chair)	X		
Bob Allen	X		
Thomas Anderson	X		
Bruce Antone	X		
Gustavo Barreiro	X		
Marti Coley	X		
Anitere Flores	X		
Denise Grimsley	X		
Bob Henriquez	X		
Randy Johnson	X		
Stan Jordan	X		
Arthenia Joyner	X		
David Meador	X		
Dave Murzin	X		
Curtis Richardson	X		
Yolly Roberson	X		
Shelley Vana			X
Totals:	16	0	1

Committee meeting was reported out: Tuesday, February 21, 2006 12:44:05PM

COMMITTEE MEETING REPORT
Utilities & Telecommunications Committee

2/21/2006 9:00:00AM

Location: 404 HOB

HB 431 : Local Government Land Development Regulation

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bob Allen				X	
Thomas Anderson	X				
Bruce Antone	X				
Gustavo Barreiro	X				
Marti Coley	X				
Anitere Flores	X				
Denise Grimsley	X				
Bob Henriquez		X			
Randy Johnson	X				
Stan Jordan	X				
Arthenia Joyner	X				
David Mealor	X				
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Shelley Vana			X		
Kenneth Littlefield (Chair)	X				
Total Yeas: 14 Total Nays: 1					

Appearances:

HB 431

Rebecca O'Hara, Deputy General Counsel (Lobbyist) - Opponent

Florida League of Cities

P.O. Box 1757

Tallahassee Florida 32301

Phone: 850-222-9684

HB 431

Frank Matthews, Attorney (Lobbyist) - Proponent

Florida Electric Power Coordinating Group

P.O. Box 6526

Tallahassee Florida 32301

Phone: 850-222-7500

HB 431

Eric Poole, Gvt. Liaison (Lobbyist) - Opponent

Florida Associations of Counties

100 S. Monroe St.

Tallahassee Florida 32301

Phone: 850-922-4300

Committee meeting was reported out: Tuesday, February 21, 2006 12:44:05PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0431

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Utilities & Telecommunications
2 Committee

3 Representative(s) Littlefield offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:
7

8 Section 1. Section 163.3207, Florida Statutes, is created to
9 read:

10 163.3207 Substation approval process.--

11 (1) It is the intent of the Legislature to maintain,
12 encourage, and assure adequate and reliable electrical
13 infrastructure in the state. It is essential that electrical
14 infrastructure be constructed and maintained in various
15 locations in order to ensure the efficient and reliable delivery
16 of electric service.

17 (2) Electrical substations are a critical component of
18 electrical transmission and distribution. Local governments may
19 adopt and enforce reasonable land development regulations for
20 new substations addressing only setback, landscaping, buffering,
21 screening, and other aesthetic compatibility based standards.
22 Vegetated buffers or screening beneath aerial access points to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

23 the substation equipment may not be required to have a mature
24 height in excess of 14 feet. New substations shall be a
25 permissible use in all land use categories in the applicable
26 local government comprehensive plan and in zoning districts
27 within the service territory of a utility, except those
28 designated as preservation or conservation land on the future
29 land use map or in a duly adopted ordinance. If a local
30 government has not adopted reasonable standards for substation
31 siting in accordance with applicable adoption procedures,
32 including public hearings, the following standards apply:

33 (a) In nonresidential areas, the substation must comply
34 with the criteria for a setback and landscaped buffer area which
35 apply to other similar uses in that district.

36 (b) In residential areas, a setback of up to 100 feet
37 between the property boundary of the substation and permanent
38 equipment structures must be maintained as follows:

39 1. For setbacks between 100 feet and 50 feet, a landscaped
40 area having native trees and shrub material with a security
41 fence around the substation equipment must be installed,
42 creating an open green-space area.

43 2. For setbacks between 25 feet and 49 feet, an 8-foot
44 buffer wall or 8-foot fence with native landscaping must be
45 installed around the substation.

46 3. For setbacks of less than 25 feet, a decorative wall or
47 facade at least 10 feet in height with exterior native
48 landscaping must be installed around the substation.

49 (3) Standards for the siting of a substation which are
50 adopted after the effective date of this act do not apply to
51 applications for an electrical utility substation which were
52 submitted prior to notice of the adoption hearing by the local
53 government.

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54 (4) (a) If a local government has adopted standards for the
55 siting of electrical substations within any of the land use and
56 zoning districts of the local government, the local government
57 shall grant or deny a properly completed application for a
58 permit to locate an electrical substation within the land use
59 and zoning district within 60 business days after the date the
60 properly completed application is declared complete in
61 accordance with the application procedures of the local
62 government, if issuance of such permit does not relieve the
63 applicant from complying with applicable federal or state laws
64 or rules and applicable local land development or building
65 rules. If the local government fails to grant or deny a properly
66 completed application for an electrical substation within the
67 timeframes set forth, the application shall be deemed
68 automatically approved and the applicant may proceed with
69 construction consistent with its application without
70 interference or penalty.

71 (b) The local government shall notify the permit applicant
72 within 30 business days after the date the application is
73 submitted as to whether the application is, for administrative
74 purposes only, properly completed and has been properly
75 submitted. Further determinations of completeness shall be
76 provided within 15 days after the receipt of additional
77 information. However, such determination is not deemed as an
78 approval of the application.

79 (5) This section does not affect the applicability and
80 enforceability of any existing local regulatory land use
81 procedures for conditional use or special exceptions which
82 provide for public input in a workshop or informational format
83 if such are in effect as of the effective date of this section.
84 However, in a land use, conditional use, or special-exception

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Amendment No. (for drafter's use only)

85 review of an electrical substation, the local government is
86 limited to imposing those standards and conditions previously
87 adopted under subsection (2), and public input may be provided
88 in a workshop or informational format.

89 Section 2. Section 163.3209, Florida Statutes, is created
90 to read:

91 163.3209 Electrical transmission and distribution line
92 right-of-way maintenance.--After a right-of-way for any
93 electrical transmission or distribution line has been
94 established and constructed, a local government may not require
95 any permits or other approvals for vegetation maintenance and
96 tree pruning or trimming within the established right-of-way.
97 Before conducting vegetation-maintenance activities within an
98 established right-of-way, the utility shall provide the local
99 government with a minimum of 5 days' advance notice, except in
100 emergencies or when required to restore electric service. Upon
101 the request of the local government, the electric utility shall
102 meet with the local government to discuss and submit the
103 utility's vegetation-maintenance plan, including the utility's
104 trimming specifications and maintenance practices. Vegetation
105 maintenance shall conform to ANSI A300 (Part I) - 2001 pruning
106 standards and ANSI Z133.1-2000 Pruning, Repairing, Maintaining,
107 and Removing Trees, and Cutting Brush - Safety Requirements.
108 Vegetation management conducted by utilities must be supervised
109 by qualified personnel from the electric utility or licensed
110 contractors under control of the utility or by certified
111 arborists certified by the International Society of
112 Arboriculture. A local government may not adopt an ordinance or
113 land development regulation that requires the planting of a tree
114 or other vegetation that will achieve a height greater than 14
115 feet in an established right-of-way for an electric utility or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

intrude from the side closer than the clearance distance
specified in Table 2 of ANSI Z133.1-2000. For lines affected by
the North American Electric Reliability Council Standard, FAC
003.1 requirement R1.2 applies. This section does not supersede
or nullify the terms of specific franchise agreements between an
electric utility and a local government, and may not be
construed to limit the franchising authority of a local
government. This section does not supersede local government
ordinances or rules governing removal of specimen trees,
historical trees, or trees within canopy road protection areas.

Section 3. Section 186.008, Florida Statutes, is created
to read:

186.008 Electrical substation planning.--Electrical
utility substations respond to development and consequently
siting locations cannot be precisely planned years in advance.
On or before June 1st of every year after the effective date of
this act, the electric utilities having service areas within
each regional planning council shall notify the regional
planning council of the utilities' current plans over a 3-year
period to site electrical substations within the local
governments contained within each region. This information is
advisory and must be included in the annual report of the
regional planning council prepared pursuant to s. 186.513.

Section 4. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to energy reliability; creating s.

163.3207, F.S.; providing legislative intent; providing

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

147 that new substations are a permissible use in all land use
148 categories and zoning districts within a utility's service
149 territory; providing standards if a local government does
150 not adopt reasonable standards for substation siting;
151 providing an exemption; providing a timeframe for a local
152 government to grant or deny an application for an
153 electrical substation or the application is deemed
154 approved; providing for public input; creating s.
155 163.3209, F.S.; prohibiting local governments from
156 requiring any permits or other approvals for vegetation
157 maintenance in an established electrical transmission or
158 distribution line right-of-way; requiring a utility to
159 give a local government 5 days' advance notice before
160 conducting vegetation-maintenance activities in an
161 established right-of-way; specifying standards for
162 vegetation maintenance; limiting the height of a tree or
163 other vegetation which may be required by a local
164 government in an established right-of-way; providing an
165 exemption; creating s. 186.008, F.S.; providing for the
166 submission of substation plans as part of the annual
167 regional planning council report; providing an effective
168 date.
169

COMMITTEE MEETING REPORT
Utilities & Telecommunications Committee

2/21/2006 9:00:00AM

Location: 404 HOB

HB 661 : Governmental Services Telephone Systems

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bob Allen				X	
Thomas Anderson	X				
Bruce Antone			X		
Gustavo Barreiro	X				
Marti Coley	X				
Anitere Flores	X				
Denise Grimsley	X				
Bob Henriquez	X				
Randy Johnson				X	
Stan Jordan	X				
Arthenia Joyner	X				
David Mealor	X				
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson				X	
Shelley Vana			X		
Kenneth Littlefield (Chair)	X				
Total Yeas: 12 Total Nays: 0					

Appearances:

HB 661

Judi Zito, Chief Information Officer - Information Only

Miami Dade County 311

111 NW 1st Street

Miami Florida 33128

Phone: 305-375-5527

HB 661

Gregory Holcomb, Information Tech. Mgr, Seminole County - Proponent

Seminole County

150 Bush Blvd

Sanford Florida 32773

Phone: 407-665-1010

Committee meeting was reported out: Tuesday, February 21, 2006 12:44:05PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 661

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Utilities & Telecommunications
Representative(s) Arza offered the following:

Amendment (with directory and title amendments)

On Line 115, after the period, insert:

The application evaluation criteria shall, at a minimum, include
the following:

(a) The population of the applicant county or municipality;

(b) Prior establishment of a 311 number by the applicant
county or municipality;

(c) The interoperability between the proposed 311 system
and the existing 911 Public Safety Answering Points within the
applicant county or municipality;

(d) The commitment of funds by the applicant county or
municipality beyond the minimum match contribution; and

(e) The long-range plan for sustainability of the proposed
311 system submitted by the applicant county or municipality.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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===== T I T L E A M E N D M E N T =====

Remove line(s) 16 & 17 and insert: authorizing the
department to adopt rules; providing application evaluation
criteria; providing an appropriation; providing an effective
date.

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COMMITTEE MEETING REPORT
Utilities & Telecommunications Committee

2/21/2006 9:00:00AM

Location: 404 HOB

HB 789 : Damage Prevention and Safety of Underground Facilities

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Bob Allen				X	
Thomas Anderson	X				
Bruce Antone	X				
Gustavo Barreiro	X				
Marti Coley	X				
Anitere Flores	X				
Denise Grimsley	X				
Bob Henriquez	X				
Randy Johnson				X	
Stan Jordan	X				
Arthenia Joyner	X				
David Mealor	X				
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson			X		
Shelley Vana			X		
Kenneth Littlefield (Chair)	X				
Total Yeas: 13 Total Nays: 0					

Appearances:

HB 789

Mike Moore, Lobbyist (Lobbyist) - Proponent

Sunshine State One Call

521 E. Jefferson St.

Tallahassee Florida 32301

Phone: 850-559-9999

HB 789

Bruce Kershner - Opponent

Underground Utility Contractors of Fla. / Fla. Assn. of Plumbing & Htg. Cooling Contractors

231 West Bay Ave.

Longwood Florida 32750

Phone: 407-930-1882

HB 789

David Ramba, Lewis Longman & Walker, PA (Lobbyist) - Opponent

Lake Worth Drainage District

125 S. Gadsden, Suite 300

Tallahassee Florida

Committee meeting was reported out: Tuesday, February 21, 2006 12:44:05PM

COMMITTEE MEETING REPORT
Utilities & Telecommunications Committee
2/21/2006 9:00:00AM

Location: 404 HOB

HB 789

David Erwin, General Counsel (Lobbyist) - Proponent

127 Riversink Rd.

Crawfordville Florida 32327

Phone: 850-926-9331

Committee meeting was reported out: Tuesday, February 21, 2006 12:44:05PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0789

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Utilities & Telecommunications
2 Committee

3 Representative(s) Murzin offered the following:
4

5 **Amendment (with title amendment)**

6 Remove line(s) 425-500 and insert:

7 clerk shall be retained by the clerk for deposit into the fine
8 and forfeiture fund established pursuant to s. 142.01. Any
9 person who fails to appear or otherwise properly respond to a
10 citation issued pursuant to paragraph (d) shall, in addition to
11 the citation, be charged with the offense of failing to respond
12 to such citation and, upon conviction, commits be guilty of a
13 misdemeanor of the second degree, punishable as provided in s.
14 775.082 or s. 775.083. A written warning to this effect shall be
15 provided at the time any citation is issued pursuant to
16 paragraph (b).

17 (d) Any person cited for an infraction under paragraph
18 (a), unless required to appear before the county court, may:

19 1. Post a bond, which shall be equal in amount to the
20 applicable civil penalty, plus fees or court costs; or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 2. Sign and accept a citation indicating a promise to
22 appear before the county court.

23
24 The person issuing the citation ~~officer~~ may indicate on the
25 citation the time and location of the scheduled hearing and
26 shall indicate the applicable civil penalty.

27 (e) Any person charged with a noncriminal infraction under
28 paragraph (a), unless required to appear before the county
29 court, may:

30 1. Pay the civil penalty plus fees and court costs, in
31 lieu of appearance, either by mail or in person, within 30 ~~40~~
32 days after the date of receiving the citation; or

33 2. Forfeit bond, if a bond has been posted, by not
34 appearing at the designated time and location.

35
36 If the person cited follows either of the above procedures, she
37 or he is ~~shall be~~ deemed to have admitted to committing the
38 infraction and to have waived the right to a hearing on the
39 issue of commission of the infraction. The ~~Such~~ admission may be
40 used as evidence in any other proceeding under this act.

41 (f) Any person electing to appear before the county court
42 or who is required to appear shall be deemed to have waived the
43 limitations on the civil penalty specified in paragraph (c). The
44 court, after a hearing, shall make a determination as to whether
45 an infraction has been committed. If the commission of an
46 infraction has been proven, the court may impose a civil penalty
47 not to exceed \$5,000, plus court costs. In determining the
48 amount of the civil penalty, the court may consider previous
49 noncriminal infractions committed.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(g) At a hearing under this chapter, the commission of a charged infraction must be proven by a preponderance of the evidence.

(h) If a person is found by the hearing official to have committed an infraction, the ~~such~~ person may appeal that finding to the circuit court.

(i) Sunshine State One-Call of Florida, Inc., may, at its own cost, retain an attorney to assist in the presentation of relevant facts and law in the county court proceeding pertaining to the citation issued under this section. The corporation may also appear in any case appealed to the circuit court if a county court finds that an infraction of the chapter was committed. An appellant in the circuit court proceeding shall timely notify the corporation of any appeal under this section.

(2) MISDEMEANORS.--Any person who knowingly and willfully removes or otherwise destroys the valid stakes or other valid physical markings described in s. 556.105(5)(b) ~~s. 556.105(4)(b)~~ and (c) used to mark the horizontal route of an underground facility commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. For purposes of this subsection, stakes or other nonpermanent physical markings are considered valid for 30 ~~20~~ calendar days after information is provided to the system under s. 556.105(1)(c).

Section 8. Subsection (4) of section 556.108, Florida Statutes, is amended to read:

556.108 Exemptions.--The notification requirements provided in s. 556.105(1) do not apply to:

(4) Any excavation of 18 inches or less for:

(a) Surveying public or private property by surveyors or mappers as defined in chapter 472 and services performed by a

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

80 pest control licensee under chapter 482, excluding marked
81 rights-of-way, marked easements, or permitted uses where marked,
82 if ~~provided~~ mechanized equipment is not used in the process of
83 such surveying or pest control services and the surveying or
84 pest control services are ~~is~~ performed in accordance with the
85 practice rules established under s. 472.027 or s. 482.051,
86 respectively; ~~or~~

87
88
89 ===== T I T L E A M E N D M E N T =====

90 On line 40, after the semicolon, insert:
91 exempting pest control services under certain
92 circumstances;

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Utilities & Telecommunications
2 Representative(s) Grimsley offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 509 and insert:

6 excavator, if mechanized equipment is not used.

7 (5) Any excavation with hand tools by a member operator or
8 an agent of a member operator for:

9 (a) Locating, repairing, connecting, or protecting, or
10 routine maintenance of, the member operator's underground
11 facilities; or

12 (b) The extension of a member operator's underground
13 facilities onto the property of a person to be served by such
14 facilities.

15 (c) The exemption provided in paragraphs (a) and (b) is
16 limited to excavations to a depth of 30 inches if the right-of-
17 way has permanently marked facilities of a company other than
18 the member operator or its agents performing the excavation.

19 (6) Any excavation or related maintenance activity by a
20 water control district created pursuant to Chapter 298, Florida
21 Statutes or special act provided:

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Amendment No. (for drafter's use only)

(d) All member operators' facilities within district rights-of-way or on district-owned lands are required to be permanently marked.

Remove line(s) 40 and insert: equipment is not used; providing that certain excavation or related maintenance activity by a water control district created pursuant to Chapter 298, Florida Statutes or special act is exempt from mandatory location notification; providing an effective date.

HB 789 Amendment 2.doc

COMMITTEE MEETING REPORT
Utilities & Telecommunications Committee
2/21/2006 9:00:00AM

Location: 404 HOB

Summary:

Utilities & Telecommunications Committee

Tuesday February 21, 2006 09:00 am

HB 431	Favorable With Committee Substitute	Yeas: 14	Nays: 1
HB 661	Favorable With Committee Substitute	Yeas: 12	Nays: 0
HB 789	Favorable With Committee Substitute	Yeas: 13	Nays: 0

COMMITTEE MEETING REPORT
Utilities & Telecommunications Committee
2/21/2006 9:00:00AM

Location: 404 HOB

Summary:

Utilities & Telecommunications Committee

Tuesday February 21, 2006 09:00 am

HB 431	Favorable With Committee Substitute	Yeas: 14	Nays: 1
HB 661	Favorable With Committee Substitute	Yeas: 12	Nays: 0
HB 789	Favorable With Committee Substitute	Yeas: 13	Nays: 0

Committee meeting was reported out: Tuesday, February 21, 2006 12:44:05PM